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SUBJECT: Controversial Headscarf Ban Proposed In State of Baden-Wuerttemberg

REF: 04 Frankfurt 5675

Sensitive but unclassified; not for internet distribution.

#### SUMMARY

1. (SBU) The Christian Democrat/Free Democrat (CDU/FDP) Baden-Wuerttemberg state government is drafting controversial legislation that would ban public kindergarten teachers from wearing headscarves. Opposition parties and city officials oppose the legislation, arguing that local communities should have the flexibility to decide the issue and that the ban could backfire against efforts to integrate Muslims into mainstream German society. An internal report Post obtained from the B-W Justice Ministry indicates that officials share similar concerns. END SUMMARY.

#### Controversial Headscarf Legislation Proposed

2. (U) In April 2004, Baden-Wuerttemberg (B-W) was the first state in Germany to ban headscarves for teachers in public schools. Supporters of the first ban argued that teachers who wear headscarves undermine both the religious "neutrality" of compulsory public schools and the integration of Muslim women into mainstream society (reftel). The state government is preparing a controversial new bill that would extend the ban to include kindergarten teachers (who were not covered under the first law). (NOTE: In the German system, kindergarten is voluntary and regulated at the municipal level, and is separate from the compulsory grades one through twelve. Former State Education Minister Annette Schavan (now federal education minister) was a major proponent of the state's original headscarf ban. END NOTE).

#### Legal Developments

3. (U) The case that brought the issue to the forefront was the recent firing of Nuray Arioez, a 31-year-old teacher of Turkish descent at the public kindergarten of Ebersbach (Goepfingen county). The city of Ebersbach dismissed Arioez earlier this year after she began wearing a headscarf during working hours (Arioiez says her daughter's recovery from leukemia rekindled her faith). Arioiez is now challenging the dismissal in court.

#### Opposition to the Ban

4. (SBU) B-W State Commissioner for Foreigners Christian Storr (FDP) told a Consulate representative that unlike the first law, which enjoyed broad political support, the new ban is likely to meet strong opposition. Opponents argue that since kindergarten is voluntary, parents can withdraw children from any school should they oppose teachers wearing headscarves. Some politicians argue it is more important that religious neutrality is preserved in compulsory public schools than in optional kindergartens. The debate is also jurisdictional: states administer grade schools and universities while municipalities govern kindergartens. Social Democrats and Greens are squarely against extending the ban and will propose legislation empowering kindergartens to decide the issue independently. Stuttgart Mayor Wolfgang Schuster (CDU) has also spoken out against the new ban; the city of Stuttgart handles the issue on a case-by-case basis (thirty kindergarten teachers currently wear headscarves during duty hours) and has reportedly received no formal complaints from parents or other groups. The Association of B-W Cities also rejects the state's proposal, arguing that communities have jurisdiction on this issue.

#### B-W Justice Ministry Reveals Concerns

5. (SBU) Post obtained a copy of an internal report from the B-W Justice Ministry that highlights its concerns over the proposed legislation. The report cites the fact that kindergarten is voluntary and enjoys more legal autonomy than the compulsory public school system; in addition,

kindergarten teachers are not civil servants and are not subject to the same restrictions with regard to wearing religious symbols. Some within the government argue that a headscarf ban for kindergarten teachers -- by prompting devout Muslims to withdraw their children -- would be counterproductive to the state's efforts to promote German-language early education and to integrate Muslims into mainstream German society.

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